

REMARKS

Applicant has thoroughly considered the Examiner's remarks in the June 23, 2004 Office action. Claims 42-57, 60-63, and 65-68 are presented in the application for further examination. Claims 58, 59, 64, and 69 have been canceled, and claims 42, 60, and 65 have been amended by this Amendment E to more clearly set forth the present invention. Reconsideration of the application claims as amended and in view of the following remarks is respectfully requested. The following remarks will follow the sequence of the Office action.

Rejections based on 35 U.S.C. § 103

Claims 42-69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over LaPorta et al. (U.S. Patent No. 6,014,429) in view of Bartholomew et al. (U.S. Patent No. 6,215,858).

With regard to claim 42, the Office action states that the LaPorta reference in combination with the Bartholomew reference teach each and every element. Applicant respectfully disagrees. Specifically, Applicant submits that neither the LaPorta reference nor the Bartholomew reference teaches or discloses “*routing the translated second broadcast message to the second receiving device over the telephone network via the data network,*” as recited in claim 42.

The LaPorta reference is directed to a two-way wireless messaging system with a transaction server. The LaPorta reference states:

A message can be delivered through a public switched telephone network 16 that includes a network access switch 19 connected to a telephone 22 by a first communication coupling through a twisted pair line, co-axial cable, fiber optic line, wireless link or any other type of communication coupling. The messaging network 14 can also be connected to a cellular network 24 or data network 26 for transporting E-mail messages 27 to a desired destination such as a personal computer at a desired time. Additionally, messages could be forwarded to a destination through the world-wide web 27a.

(LaPorta et al., col. 4, line 62 to col. 5, line 5)

The LaPorta reference further provides an example:

Thomas can originate through his pager 50a a message to his lunch group members, Dan, Mary and Paul, and inquire about lunch choices. The message is delivered via the two-way wireless messaging network 14 along message delivery channels 57a (air interface), 57b (Data network interface), 57c (telephone network interface) as a page to a two-way messaging device in the form of a pager 58 belonging to Dan, an electronic mail to a computer 60 belonging to Mary, and a phone call to telephone 62 belonging to Paul respectively.

(*LaPorta et al.*, col. 5, line 62 to col. 6, line 4)

As can be seen, the LaPorta reference teaches that if a receiving device is a computer, then the two-way messaging system sends a message to the receiving device over a data network. The LaPorta reference also teaches that if a receiving device is a telephone, then the two-way messaging system sends a message to the receiving device over a public switched telephone network. However, the LaPorta reference fails to teach or disclose that if a receiving device is addressable over a telephone network, a broadcast message is routed to the receiving device over the telephone network ***via a data network***. Accordingly, the LaPorta reference fails to teach or disclose “***routing the translated second broadcast message to the second receiving device over the telephone network via the data network***,” as recited in claim 42.

The Bartholomew reference similarly fails to teach or disclose that a broadcast message may be routed to a receiving device over a telephone network ***via a data network*** if the receiving device is addressable over the telephone network. Therefore, Applicant submits that the LaPorta reference in combination with the Bartholomew reference fail to teach or disclose each and every element of claim 42.

In addition, to more clearly set forth the invention, Applicant hereby amends claim 42 to recite that “***the message router [is] configured to embed a telephone number that corresponds to the second receiving device within the translated second broadcast message***.” Claim 42, as amended, also recites that the message router is configured for routing the translated second broadcast message ***embedded with the telephone number*** to the second receiving device. For example, an embodiment of the present invention provides:

[F]or recipients having receiving devices connected to the telephone network, the message router 1) embeds the telephone number of a receiving device into the

broadcast message along with contact protocol for the receiving device, and 2) routes the broadcast message to the IP address of the local POP 408 corresponding to the embedded telephone number. Upon reception of the broadcast message, the local POP 408 directs the local switch 454 to call the receiving device over the telephone network. Once the call session is secured, then the local POP 408 delivers the broadcast message over the telephone network in the format provided by the message routing computer 402.

(Application, page 37, lines 2-13)

Applicant submits that neither the LaPorta reference nor the Bartholomew reference teaches or suggests that a broadcast message may be embedded with a telephone number, as recited in amended claim 42. Thus, the LaPorta reference in combination with the Bartholomew reference fail to teach or suggest each and every element of amended claim 42. Moreover, both the LaPorta reference and the Bartholomew reference teach away from claim 42. Accordingly, claim 42 is believed to be allowable over the cited art.

Claims 60 and 65, as amended, include the similar recitals in claim 42. As such, claims 60 and 65 are distinguishable over the LaPorta and Bartholomew references so that the rejections must be withdrawn.

Claims 43-57 depend from claim 42; claims 61-63 depend from claim 60; and claims 66-68 depend from claim 65. These claims should be allowable for at least the same reasons that claims 42, 60, and 65 are allowable.

Response to Arguments

Applicant notes the Response to Arguments in the Office action and respectfully requests reconsideration of the application claims as amended in view of the foregoing remarks. In the event that the Examiner does not allow this application in response to this Amendment D, Applicant requests an interview. An interview request form is attached.

Conclusion

The other reference made of record and not relied upon is cumulative and no more relevant than the references already applied in the Office action. Thus, the amended claims distinguish over the prior art and are patentable.

It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

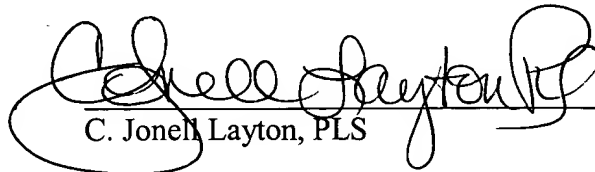
Respectfully submitted,



Frank R. Agovino, Reg. No. 27,416
SENNIGER, POWERS
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

CERTIFICATE OF MAILING

I certify that this Amendment D in the application of O'Neal, Serial No. 09/874,457, filed 06/05/2001 is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this 16th day of September, 2004.


C. Jonell Layton, PLS

FRA/cjl